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# Report of the Secretary-General on the situation of human rights in the Islamic Republic of Iran*

*Summary*

The present report is submitted in accordance with General Assembly resolution 68/184, in which the Assembly requested the Secretary-General to submit an interim report to the twenty-fifth session of the Human Rights Council. The report reflects the patterns and trends in the human rights situation in the Islamic Republic of Iran and provides information on the progress made in the implementation of that resolution, including recommendations to improve such implementation. In the resolution, the Assembly called upon the Government of the Islamic Republic of Iran to address the substantive concerns highlighted in the previous report of the Secretary-General and to respect fully its human rights obligations, in law and in practice, in relation to a number of specifically identified concerns.

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# I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 68/184, in which the Assembly requested the Secretary-General to report to it at its sixty-ninth session, and to submit an interim report to the Human Rights Council at its twenty-fifth session. The report provides information on progress made in the implementation of resolution 68/184, focusing on the concerns identified in the resolution, while also highlighting issues affecting economic, social and cultural rights.

2. The report draws upon observations made by the United Nations treaty monitoring bodies, the special procedures of the Human Rights Council, various United Nations entities and international non-governmental organizations. It also refers to information from official State media.

3. Since the latest report of the Secretary-General to the General Assembly (A/68/377), the Government has taken some commendable steps in the area of human rights. These include the release of high-profile political prisoners who had been arrested following the 2009 post-election unrest; the reinstatement of some university students and lecturers who had been banned from higher education for their alleged role in the above-mentioned unrest; and the drafting of a Citizens' Rights Charter for public consultation. The Government also made pledges regarding the elimination of discrimination against women and ethnic minorities and the promotion of freedom of expression.

4. The Islamic Republic of Iran engaged productively with the United Nations Committee on Economic, Social and Cultural Rights, which reviewed the country's second periodic report in May 2013. Unfortunately, the Government has not engaged substantively with the special procedures of the Human Rights Council. No mandate holder, including the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, has been admitted to the country since 2005, and the number of replies to the large amount of communications transmitted by the special procedures remains very low.

5. The United Nations human rights mechanisms continue to raise concerns about amputations, floggings, increased application of the death penalty, arbitrary detention and unfair trials. Freedom of expression remains curtailed, with a large number of journalists still in prison and social media being blocked. Human rights defenders and women's rights activists continue to face arrest and persecution. Women are subject to discrimination, entrenched both in law and in practice. Discrimination against minority groups persists, in some cases amounting to persecution. Lack of access to timely and appropriate health care in prisons remains an issue.

# II. Overview of the human rights situation in the Islamic Republic of Iran

## A. Civil and political rights

6. The international community, including the Secretary-General of the United Nations, greeted the high turnout in the June 2013 elections. The process was, however, marred by the disqualification of a large number of candidates, including all women candidates, the reported intimidation of political activists, journalists, trade unionists and student activists, and restrictions on freedom of expression.[1] The President made pledges

[1] A group of special procedures mandate holders expressed serious concerns about the large-scale disqualification of candidates, including all women by the Guardian Council, which vets presidential candidates. Of the 686 individuals registered, only 8 were approved.

during the election campaign to address serious human rights concerns, including by introducing a Citizens' Rights Charter, eliminating discrimination against women and ethnic minorities, promoting freedom of expression and alleviating censorship. Although the draft Charter has been presented for public comments, it falls short of international human rights standards and fails to address concerns persistently raised by the United Nations human rights mechanisms. On 15 June 2013, the Secretary-General expressed his wish to engage with the President-elect and the Iranian authorities on issues of importance to the international community and the welfare of the Iranian people. He also expressed hope that the Government would take steps to fulfil the promises made by President Rouhani during the electoral campaign.

## 1. Executions

7. The Secretary-General is alarmed at the sharp rise in executions in the Islamic Republic of Iran. The new Government has not changed its approach regarding the application of the death penalty and seems to have followed the practice of previous administrations, which relied heavily on the death penalty to combat crime. On 11 December 2013, the chief of the judiciary noted that from a religious point of view, opposition to the death penalty challenges the decrees of Islam.[2] In recent years, senior Iranian officials have acknowledged the ineffectiveness of the death penalty in addressing crime and suggested the need to review relevant laws. The revised Islamic Penal Code provides capital punishment for a wide range of offences that do not qualify as the "most serious crimes" under international law, including for drug-related offences, and retains stoning as a punishment.[3] On 2 December 2013, at a press conference, the United Nations High Commissioner for Human Rights expressed alarm at the reported spike in executions of political prisoners, including in public, and the use of the death penalty for drug-related offences. She urged the Government to restrict and/or abolish the use of the death penalty in law and practice or to institute a moratorium.

8. An escalation in executions, including of political prisoners and individuals belonging to ethnic minority groups such as Baloch, Ahwazi Arabs and Kurds, was notable in the second half of 2013. At least 500 persons are known to have been executed in 2013, including 57 in public. According to some sources, the figure may be as high as 625. Those executed reportedly included 27 women and two children. The majority of the executions were carried out in relation to drug-related offences. In their comments on this report, the authorities attributed the increased number of executions to drug-trafficking and stressed that the death penalty was only considered for the most serious offences and only criminals that had perpetrated serious crimes were subject to capital punishment. The spike has continued in 2014. Over 40 persons are reported to have been executed during the first half of January. In a report to the Human Rights Council, the Special Rapporteur on extrajudicial, summary or arbitrary executions expressed serious concerns about the surge in executions, following proceedings that did not meet international human rights standards on fair trial and due process guarantees, provided in article 14 of the International Covenant on Civil and Political Rights. He urged the Government to bring its domestic legislation and practice in conformity with international law.[4]

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[2] Semi-official news, *Ghatreh*, 11 December 2013, available at http://www.ghatreh.com/news/nn16968628.

[3] The Code provides the death penalty for adultery, incest, rape, sodomy, a non-Muslim party in same-sex relations, insulting the Prophet Muhammad and other great prophets, possessing or selling illicit drugs, theft for the fourth time, muharaba (enmity against God), fesad-fil-arz (corruption on earth), espionage and crimes against national security (A/68/377, para 14).

[4] A/HRC/23/47/Add.5.

9. On 1 November 2013, the Secretary-General expressed serious concern about the reported hanging of 16 people on 26 October 2013, in the city of Zahedan, and called on the Government to establish a moratorium on the use of the death penalty. The 16 individuals, belonging to the Baloch community, were reportedly executed in response to the killings of 14 border guards by an armed group at the border with Pakistan. There is no reported proof that those executed were involved in the incident, as all 16 individuals had previously been tried, convicted and sentenced to death well before the incident took place. Eight out of the 16 individuals were sentenced to death for drug-related offences. The public prosecution service confirming the executions stated that they were carried out in response to the attack.[5] On the same day, Habibullah Golparipour and Reza Esmaili, both Kurdish prisoners, were allegedly executed after having been sentenced to death for charges including fesad fil-arz (corruption on earth) and muharaba (enmity against God), and for alleged links to the armed Party for a Free Life of Kurdistan, or PJAK.[6] On 4 November, Shirko Moarefi, a Kurdish political and civil activist, who was sentenced to death on the charge of muharaba, membership of the Komalah Party, and acting against national security, was also executed.[7]

### 2. Torture and cruel, inhuman or degrading treatment and punishment

10. The recurrence of cruel, inhuman or degrading punishment, such as amputation of limbs and flogging remains a cause for concern. The judiciary has frequently applied punishments which are prohibited by the International Covenant on Civil and Political Rights, to which the Islamic Republic of Iran is a State party. The revised Islamic Penal Code provides for limb amputations for offences including muharaba and theft, and flogging for drinking alcohol, theft and certain sexual offences. On 7 January 2013, the head of the Supreme Court of the Islamic Republic of Iran defended punishments such as amputation, arguing that the proper implementation of Islamic law could prevent crimes. He stressed that amputation of the hands of a robber or of the limbs of a mohareb was in the interest of society and effective in crime reduction.[8] On 31 July 2013, the judiciary in Abadan issued amputation and flogging sentences for a group of people accused of theft. According to the chief of the judiciary in Abadan, one of the group was sentenced to amputation of fingers and 99 lashes for theft and illegitimate sexual relations, whereas the others were sentenced to 74 lashes each for illegitimate sexual relations, along with prison sentences for theft.[9] On 29 August 2013, a man accused of drug trafficking was publicly punished with 70 lashes in the city of Saveh. The General and Revolutionary Prosecutor announced that the accused was involved in drug trafficking.[10]

### 3. Conditions of detention

11. The Secretary-General is concerned about the lack of access to timely and applicable health care inside prisons and the conditions in which prisoners are held. The prison authorities reportedly deny health care to individuals who are in urgent need of external medical care. Various special procedures sent a number of communications to the

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[5] Official *Fars* news agency, 26 October 2013, available at http://www.farsnews.com/newstext.php?nn=13920804000374.

[6] Ibid.

[7] The authorities allege that Mr. Moarefi had participated in military operations and was a member of the Koumele terrorist group.

[8] Semi-official news, *Tasnim* news agency, 7 January 2014, available at http://www.tasnimnews.com/Home/Single/242758.

[9] Semi-official news, *Mehr* news agency, 31 July 2013, available at http://www.mehrnews.com/detail/news/2107061.

[10] *Radio Zamaneh* news, 30 August 2013, available at www.radiozamaneh.com/94830#.UiL9X-NDAM, and www.iribnews.ir/NewsText.aspx?ID=2060544.

Government regarding the deteriorating health conditions of prisoners, lack of medical attention and the risk of death faced by several prisoners. On 20 June 2013, Afshin Osanloo, a trade unionist, who was serving a five-year prison term, reportedly died from a heart attack in prison.[11] On 1 November 2013, Abdolfattah Soltani went on hunger strike, protesting against the lack of external medical care for some prisoners. The hunger strike, joined by other prisoners, ended on 10 November. However, the protesters warned that they would resume the hunger strike if the Government maintained its refusal to grant specialized health care to prisoners who needed medical attention.

### 4. Restrictions on freedom of expression and opinion

12. The new administration has not made any significant improvement in the promotion and protection of freedom of expression and opinion, despite pledges made by the President during his campaign and after his swearing-in. Both offline and online outlets continue to face restrictions including closure. Individuals seeking to exercise or promote freedom of expression and opinion through dissenting views or beliefs continue to face arrest, prosecution and sanctions by the State. The 1986 Press Law, the 2009 Computer Crimes Law and the 2010 Cybercrime Law contain provisions which seriously limit freedom of expression. In his report to the sixty-eighth session of the General Assembly, the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran expressed serious concerns at the restrictions imposed on freedom of expression and opinion, including online. He noted that up to 5 million websites were blocked, including Wikipedia sites by topic.[12] With the exception of some Government officials who have access to Facebook and Twitter, the general population is barred from engaging in these online activities. Any individual found engaged in an online activity that is considered inappropriate by the authorities can face arrest and prosecution.

13. According to the Committee to Protect Journalists, 35 journalists were held in prison across the country as at 18 December 2013.[13] Compared to the same period in 2012, this number has dropped from 45, partially due to the Government's policy of releasing some journalists on furlough. In December 2013, 16 Internet activists were arrested on charges of providing contents and developing websites for foreign elements. Some of those arrested were reportedly the administrators of popular cultural and social pages on Facebook. They had occasionally posted news about the imprisonment of political prisoners. Seven others were allegedly working for an Iranian website, Narenji.ir, specialized in new technology.[14] These individuals had their houses searched and personal items confiscated before being taken to an unknown location.

14. On 23 November 2013, judicial authorities in Rafsanjan confirmed the arrest of seven individuals for allegedly insulting sacred beliefs and Islamic values online and warned that the intelligence apparatus was monitoring the Internet closely and would take all possible actions to prevent certain online breaches.[15] Journalists affiliated to minority groups and reformists also continue to face imprisonment. In November 2013, Khosro Kordpour and Masoud Kordpour were sentenced to six and three-and-a-half years

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[11] Amnesty International, "Death of Afshin Osanloo in the Iranian prison" (24 June 2013), available at http://www.amnesty.org.uk/blogs/focus-iran/death-afshin-osanloo-iranian-prison; and International Campaign for Human Rights in Iran, "Osanloo's family calls for investigation into his prison death" (26 June 2013), available at http://www.iranhumanrights.org/2013/06/osanloo_death/.

[12] A/68/503.

[13] Committee to Protect Journalists, "Second worst year on record for jailed journalists" (18 December 2013), available at http://www.cpj.org/reports/2013/12/second-worst-year-on-record-for-jailed-journalists.php.

[14] *The Guardian*, 5 December 2013, available at http://www.theguardian.com.

[15] Semi-official news, *Khanehkheshti*, 23 November 2013, available at http://www.khanehkheshti.com.

respectively, on charges of gathering and colluding against national security and propaganda against the system. Their conviction was allegedly chiefly motivated by their work as journalists, including reporting on the human rights situation in Kurdistan Province.[16] On 7 December 2013, Fatemeh Ekhtesari and Mehdi Mousavi, both poets, were arrested and transferred to Evin prison. They were allegedly incarcerated for their critical writing and dissenting views. They were reportedly released on bail after a month in detention.

### 5. Situation of human rights defenders

15. Since mid-September 2013, the Government has released over 80 political prisoners including women's rights activists, political activists and journalists. Amongst those released were Nasrin Sotoudeh, an internationally recognized human rights activist and recipient of the European Parliament's 2012 Sakharov Prize for Freedom of Thought; Mahboubeh Karami, human rights activist and member of the One Million Signatures campaign; and Jila Karamzadeh-Makvandi, supporter of the Mothers of Laleh Park. The Secretary-General, the United Nations High Commissioner for Human Rights and the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran welcomed the release of political prisoners and urged the Government to take further steps to ensure the release of all other political prisoners.

16. Hamid Ghassemi-Shall, an Iranian-Canadian citizen, who was arrested in May 2008 and sentenced to death on charges of muharaba and espionage, was released on 23 September 2013, after a retrial the previous August, when the court commuted his death penalty to five years of imprisonment.[17] The Government also overturned the death sentence imposed on Saeed Malekpour, a blogger, who had been sentenced to death in 2010 on charges of management of pornographic websites.[18] The United Nations High Commissioner for Human Rights welcomed the commutation of Mr. Malekpour's sentence and encouraged the Government to release all those held for exercising their legitimate rights to freedom of expression and association.

17. Despite these welcome developments, a large number of political prisoners, including high-profile lawyers, human rights activists, women's rights activists and journalists, continue to serve sentences for charges that are believed to be linked to the exercise of their freedoms of expression, association and peaceful assembly. The Special Rapporteur on the rights to freedom of peaceful assembly and of association, in his latest report to the Human Rights Council,[19] noted that the Government, similar to those of several other countries, repressed peaceful assemblies because the messages conveyed did not please them, and their organizers and participants were often charged with sedition and rioting. This was the case for the two former presidential candidates, Mehdi Karoubi and Hossein Mossavi, who remain under house arrest for, in February 2011, staging a rally in solidarity with protesters in Egypt, for which they had sought permission from the authorities. Since their arrest, neither has been formally charged or brought before a judge to contest the legality of their detention. On 7 January 2014, Mohammad Javad Larijani, head of the High Council for Human Rights in the Islamic Republic of Iran was quoted as saying that, after a prolonged wait, a dossier against the opposition leaders was being processed.[20] On 17 January 2014, Mostafa Pour-Mohammadi, Minister of Justice, stated

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[16] Amnesty International, "Jailed journalist brothers sentenced" (13 December 2013), available at http://www.amnesty.org/en/library/info/MDE13/056/2013/en.

[17] Official news, *Fars*, 24 September 2013, available at http://farsnews.com/newstext.php?nn=13920702000380.

[18] Official news, *Iranian Students' News Agency* (ISNA), 26 August 2013, available at www.isna.ir.

[19] A/HRC/23/39/Add.2.

[20] Official news, *ISNA*, 8 January 2014, available at http://www.isna.ir.

that the trial was not in the best interest of the Government and that they should remain confined.[21] The Secretary-General and the special procedures have repeatedly called for the immediate release of the two opposition leaders, declaring their detention arbitrary and in violation of the international obligations and national laws of the Islamic Republic of Iran.[22]

18. The two opposition leaders have been denied regular contacts with their relatives and their access to adequate medical care has been limited, despite their having serious health complications including high blood pressure and worsening heart conditions. The authorities reportedly only allow pre-approved visits from immediate family members and, in some instances, the security forces have allegedly physically assaulted visitors. For example, on 24 October 2013, the daughters of Mr. Mossavi complained of physical assault at the hands of security agents during a visit to their parents.[23] The Secretary-General urges the President to consider the immediate release of the two opposition leaders, and to facilitate their urgent and adequate access to medical care.

19. Prominent human rights activists and lawyers, such as Abdolfattah Soltani, Mohammad Ali Dadkha and Mohammad Seifzadeh, are serving prison terms for charges that are believed to be linked to their legitimate professional work. Mr. Soltani is serving a 13-year sentence imposed by the Revolutionary Court for establishing and managing an association that endangered national security, propaganda against the system, unlawful association and conspiracy with the intention to disturb public security, and acquisition of wealth through illegitimate means. The court also banned him from practising law for 20 years. In an opinion issued on 7 August 2013, the Working Group on Arbitrary Detention found the imprisonment of Mr. Soltani arbitrary and sought his immediate release.[24] The Working Group concluded that: "[T]he detention of Mr. Soltani is motivated exclusively by his human rights and/or political activities, activities constituting the peaceful exercise of the right to freedom of expression as guaranteed by article 19 of the International Covenant on Civil and Political Rights to which the Islamic Republic of Iran is party."[25] Furthermore, in November 2013, the Appeal Court upheld a one-year prison sentence for Ms. Massumeh Dehghan, the wife of Mr. Soltani. She was charged with propaganda against the system for travelling abroad and receiving the Nuremberg International Human Rights Award given to her husband.

20. In September 2013, the Appeal Court upheld a six-year sentence against Mohammad Seifzadeh, a prominent human rights lawyer and member of the Defenders of Human Rights Centre, founded by Nobel Laureate Shirin Ebadi. The sentence was initially imposed on Mr. Seifzadeh on charges of collusion to take action against national security and spreading propaganda against the system. Since 2011 Mohammad Ali Dadkhah, another prominent lawyer and co-founder of the Centre, has been serving a nine-year prison sentence coupled with a 10-year occupation ban on charges including membership of the

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[21] Ibid., 17 January 2014, available at http://www.isna.ir.

[22] On 29 August 2012, the Human Rights Council Working Group on Arbitrary Detention adopted opinion No. 30/2012 on this case, finding the detention to be arbitrary, as none of those people had been charged with a crime since their arrest, nor had they been brought before a judge to contest the legality of their detention.

[23] Human Rights Watch, "Iran: 1,000 days under house arrest", 12 November 2013. Available at www.hrw.org/news/2013/11/11/iran-1000-days-under-house-arrest.

[24] A/HRC/WGAD/2012/54, opinion No. 54/2012 of 7 August 2013, available at http://www.nuernberg.de/imperia/md/menschenrechte/dokumente/preisverleihungen/hrc_wg_on_arbitray_detention_soltani_2013.pdf.

[25] Ibid. In their comments on this report, the authorities claimed that Mr. Soltani enjoyed access to legal services and had frequent visits to medical doctors for treatment. They accused Mr. Soltani of having contributed to the establishment of the Society of the Defenders of Human Rights without obtaining a legal permit, suspicious interaction with certain foreign embassies in Tehran, receiving money from foreign intelligence agencies and having ties with the Mujahideen-e-Khalq organization (MEK).

Centre and propaganda against the system. Stressing the important role human rights defenders and lawyers could make in improving human rights protection and promotion in the Islamic Republic of Iran, the Secretary-General urges the Government to release human rights lawyers and human rights defenders and allow them to exercise their activities without risk to their physical and psychological integrity or any other form of restriction, harassment and intimidation.

### 6. Women's political participation

21. The Secretary-General welcomes the Government's efforts to appoint women to senior level government positions, including as Deputy President, head of the Environmental Protection Agency, Deputy President for Legal Affairs, head of the National Standards Organization, and spokeswoman for the Ministry for Foreign Affairs. The Secretary-General also welcomes the Government's pledges to increase the number of women serving as ambassadors.[26] However, no woman has been named to the Cabinet, thereby continuing women's underrepresentation at the highest decision-making levels. The World Economic Forum, in *The Global Gender Gap Report 2013*, ranked the Islamic Republic of Iran at 130 out of 136 countries, three places down from the previous year.[27] According to the report, the Islamic Republic of Iran has the lowest female representation in the labour forces and the lowest estimated female income in the region. The Secretary-General encourages the Government to adopt laws and policies that promote the participation of women in public, political, economic and professional life.

22. Laws that permit gender discrimination and promote violence against women continue to be introduced in the Islamic Republic of Iran. The revised Islamic Penal Code, which came into force in June 2013, retains provisions that are discriminatory towards women. For instance, it values women's testimony in a court of law as half that of a man's, and a woman's life half that of a man's. The Civil Code of the Islamic Republic of Iran provides for the marriage of girls at age 13.[28] However, with the permission of a competent court, girls can be married at the age of nine.[29] The 2013 Family Protection Law reportedly allows for full or temporary marriage and legalizes polygamy.[30] The Unsupervised or Ill-Supervised Children and Youth Protection Bill, which was adopted by Parliament in September 2013 and came into force on 23 October 2013, allows marriage between a child and legal guardian[31] when a child has reached maturity, and marriage with the guardian is in the child's best interest. This would mean that a girl as young as nine can be married to her guardian, which is a threat to her physical and mental integrity and runs counter to fundamental human rights guarantees stipulated in the Convention on the Rights of the Child, to which the Islamic Republic of Iran is a State party. This may also contribute to forced and early marriages, a phenomenon that the Islamic Republic of Iran is currently seeking to eradicate. In May 2013 the United Nations Committee on Economic, Social and Cultural Rights urged the Government to take measures to prevent forced, early and temporary marriage of girls, to ensure women's right to employment and to remove all restrictions on women's equal access to all aspects of university education.

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[26] Report submitted by a Tehran-based non-governmental organization, Organization for Defending Victims of Violence (ODVV). See also official news, *PressTV*, 29 August 2013, available at http://www.presstv.com/detail/2013/08/29/321129/iran-names-first-fm-spokeswoman/; and at http://archive.radiozamaneh.com/english/content/rohani-names-woman-head-standards-agency

[27] World Economic Forum, *The Global Gender Gap Report 2013*, available at http://www3.weforum.org/docs/WEF_GenderGap_Report_2013.pdf.

[28] Art. 1401, Civil Code.

[29] Article 1210 of the Civil Code sets the age of puberty at 9 lunar years (8 years and 9 months) for girls and 15 lunar years (14 years and 7 months) for boys.

[30] Family Protection Law of the Islamic Republic of Iran 2013, art. 4.4, 21.

[31] Official news, *ISNA*, 16 October 2013, available at http://www.isna.ir/fa/news/.

## 7. Situation of ethnic and religious minorities

23. There have been no improvements in the situation of religious and ethnic minorities, which continue to suffer severe restrictions in the enjoyment of their civil, political, economic, social and cultural rights. Religious minorities such as Baha'is and Christians face violations entrenched in law and in practice. Harassment, home raids and incitement to hatred are reportedly commonly applied by the authorities to suppress the Baha'i community. The authorities claim that ethnic minorities enjoy equal rights before the law and that no discrimination is practised against religious minorities. The authorities also declared that the new Government paid significant attention to the affairs of religious minorities. In this respect, the Secretary-General notes as positive information that the President has appointed a special assistant to address the situation of ethnic and religious minorities. The United Nations human rights mechanisms have repeatedly expressed concerns about the discriminatory laws and policies that restrict religious minorities, including Baha'is, from forming religious institutions and accessing universities and public-sector employment. The Special Rapporteur on the situation of human rights in the Islamic Republic of Iran[32] noted that members of the Baha'i community were increasingly subjected to arbitrary detention, torture and ill-treatment, restrictions on religious practice, denial of higher education, obstacles to State employment and abuses within schools. He also reported that 109 members of the Baha'i community were being held in prisons as at May 2013.[33] That number had reached 136 by December 2013, indicating an increase in their arrest and persecution. In its concluding observations, the Committee on Economic, Social and Cultural Rights expressed concerns about widespread and entrenched discrimination against the Baha'i community, including denial of access to employment in the public sector and institutions of higher education, as well as to benefits of the pension system, and recommended a series of safeguards against legal and practical discrimination, including in their access to social programmes and education.[34] The Secretary-General renews his call on the Government to release the seven Baha'i community leaders, who are serving 20-year sentences for managing the religious and administrative affairs of their community, after trials which did not meet the guarantees for fair trial established by international law. The Secretary-General also encourages the Government to remove limitations imposed on the ability of the Baha'is to worship and to allow them to practise their beliefs without hindrance and fear.

## 8. Refugees and migrants

24. The situation of Afghan refugees is of concern as was highlighted by the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran in his report to the sixty-eighth session of the General Assembly.[35] The Special Rapporteur noted that, as the Government does not recognize marriages between illegal migrants and Iranians, many children born out of such marriages do not possess a birth certificate and are deprived of educational opportunities and health care. In addition women married to illegal migrants cannot transfer their nationality or citizenship to their husbands or children. Afghan refugees are also subjected to movement restrictions and are banned from residing in various provinces. On 22 December 2013, the head of the Bureau for Aliens and Foreign Immigrants' Affairs was quoted as saying that Afghan children, who are not in possession

[32] A/68/503.

[33] The seven Baha'i community leaders, who have been in prison since March 2008, received 20-year prison sentences in August 2010 on charges of espionage, propaganda against the system, collusion and collaboration for the purpose of endangering national security, and spreading corruption on earth. Their sentences were reportedly reduced to 10 years the following month. However, in March 2011, the court reinstated the original prison sentence of 20 years.

[34] E/C.12/IRN/CO/2.

[35] See footnote 32 above.

of legal documents, would not be registered in schools. Concerns further remain about the manner in which Afghan refugees are subjected to deportation. According to Human Rights Watch, thousands of Afghan refugees are arbitrarily deported, with no opportunities to legally challenge their deportation. Newcomers are denied the opportunity to seek refugee status, even if they are at risk of persecution and serious harm in Afghanistan. Some Afghan refugees also reportedly experienced physical mistreatment and confiscation of property during deportation. Families are reportedly often separated, leaving children more vulnerable to physical and mental abuse.[36]

## B. Economic, social and cultural rights

25. The Islamic Republic of Iran has made notable progress in human development. Having one of the youngest populations in the world (54.8 per cent of its people are under 30), it enjoys a demographic window of opportunity with important development implications. The country is also on track to achieve most of the Millennium Development Goals – notably Goal 1 (eradicating extreme poverty), Goal 2 (achieving universal education), Goal 4 (reducing child mortality) and Goal 5 (reducing maternal mortality). The Government is committed to reducing both income and capability poverty and the country has witnessed a decline in extreme income poverty (US$1 a day) to around 1 per cent, which was noted as positive by the Committee on Economic, Social and Cultural Rights during its review in May 2013.

26. The Committee on Economic, Social and Cultural Rights noted as positive the Islamic Republic of Iran's significant improvement in narrowing the development gap. Iran's human development indicators have substantially improved, and the human development index value of 0.742 for 2013 places it in the high human development category. This represents an average annual increase of about 1.4 per cent since 1985 (although the human development index growth rate for the period 2000–2011 has been just under 1 per cent).[37] Life expectancy at birth has risen for both men and women; more people have access to safe drinking water; maternal mortality has fallen from 150 per 100,000 live births in 1990 to 21 in 2013;[38] under-five mortality fell from 54 per 1,000 live births in 1990 to 22.5 in 2010; a total of 96.4 per cent[39] of all births are attended by skilled birth attendants; and primary health-care coverage in rural areas stands at more than 98 per cent.

27. The Islamic Republic of Iran has made noticeable progress in women's education and health. The literacy rate among women aged 15 to 24, as compared to men of the same age, increased from 96.1 per cent in 2000 to 99.2 per cent in 2012.[40] The ratio of girls to boys in primary, secondary and tertiary education increased from 79.2 per cent in 1990 to 98 per cent in 2012.[41] Access of poor communities to basic services has also substantially

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[36] Human Rights Watch, "Iran: Afghan refugees and migrants face abuse" (20 November 2013), available at http://www.hrw.org/news/2013/11/20/iran-afghan-refugees-and-migrants-face-abuse.

[37] United Nations Development Programme (UNDP), *Human Development Report 2011–Sustainability and Equity: A Better Future for All*.

[38] World Health Organization (WHO), *World Health Statistics 2013* (Geneva, WHO, 2013).

[39] Islamic Republic of Iran, *Multiple Indicator Demographic and Health Survey 2010*; available at http://iran.unfpa.org/IrMIDHS%202010%20selected%20Results.asp.

[40] United Nations Population Fund (UNFPA), *State of the World Population 2012* (United Nations publication, Sales No. E.12.III.H.1).

[41] Ibid.

increased: during 1991–2009 access to electricity in the poorest rural areas increased from 66.6 per cent to 93.2 per cent and to piped water from 55.1 per cent to 83.6 per cent.[42]

28. Although the main components of human development have improved significantly in economic terms, the country still faces challenges of unemployment, low labour productivity growth rates and sustained income inequality.[43] The Gender Inequality Index, as reported in the *Human Development Report 2013*, was 0.496 (ranking the Islamic Republic of Iran 107th). In May 2013 the Committee on Economic, Social and Cultural Rights raised serious concerns about the high unemployment of women and young people, lack of universal health insurance coverage, high levels of poverty in certain underdeveloped regions, and legislation and policies on cultural freedom.

29. Much of the income and non-income poverty is in areas such as informal urban settlements, the informal sector of the economy, remote rural areas, among refugees, and encompassing groups such as people with disabilities, and female-headed households. The overall distribution of income constrains overall access to improved quality resources and services. The Gini coefficient of income inequality, for instance, has stood above 0.4 for many years, with significant disparities between provinces, districts, urban centres and rural areas recorded.[44] The Government is at present seeking to reduce inequality to a Gini coefficient level of 0.3 by 2014, marking the end of the period covered by the fifth Five-Year National Development Plan.

30. Disparities among provinces and between rural and urban areas persist. The percentage of poor underweight children under five is higher in rural areas (13.7 per cent) than in urban areas (9.6 per cent). Furthermore, security issues exacerbate regional disparities in social development. Areas bordering Afghanistan and Iraq are affected by drug and arms trafficking and illegal migration. Some of those areas suffer from poor communications and a shortage of staff in the health and welfare sectors.[45]

31. Women's economic participation and employment have decreased. Only 14.5 per cent of the female population is economically active, of which 16.8 per cent are either unemployed or seeking jobs. During its review of the Islamic Republic of Iran, the Committee on Economic, Social and Cultural Rights expressed serious concerns about restrictions on access to university education, including bans on female and male enrolment, limited quotas for women in certain fields, as well as gender segregation in classrooms and facilities. The Committee also noted with concern the low participation of women in the labour force, which has been further declining, and the possibility for a husband to prevent his wife from entering employment upon receipt of a court order under the Family Protection Law. The International Labour Organization (ILO) Committee of Experts on the Application of Conventions and Recommendations, in a recent observation, noted with regret the Government's inaction on repealing section 1117 of the Civil Code, which provides that a husband can prevent his wife from taking up a job or profession.[46]

32. The Islamic Republic of Iran is experiencing rapid socioeconomic and demographic changes; and in 2013 its population surpassed 75 million. According to the 2011 census, the annual population growth rate is 1.3 per cent, the overall sex ratio is 1.02. Among other factors, the expansion of health facilities, the increased literacy rate and improved living

[42] Statistical Centre of Iran, Statistical Research and Training Centre, "Report on available facilities and assets to households from 1991 to 2009" (2011).

[43] Ibid.

[44] Various household income and expenditure surveys show the extensive differences.

[45] *Country Cooperation Strategy for WHO and the Islamic Republic of Iran 2010-2014* (WHO, 2011).

[46] ILO Committee of Experts on the Application of Conventions and Recommendations, Observation adopted in 2012 concerning the Islamic Republic of Iran and ILO Convention No. 111 (1958) concerning Discrimination in Respect of Employment and Occupation.

standards contributed to a rise in life expectancy for both women and men, to 73.2 and 70.5, respectively.[47] A need to absorb the younger generation into the labour market has placed pressure on the economy and resulted in an estimated overall unemployment rate of 12.4 per cent (19.6 per cent for women) in 2013. Official unemployment rates are much higher for young people (22.3 per cent for young men, 42.7 per cent for young women early in 2013). The search for better job opportunities underlies the increasing challenge of migration and rapid urbanization among the population.[48]

33. The birth rate has decreased within a short time, dropping from 6.6 births per woman in 1977 to 2 births per woman in 2000 and to 1.8 births per woman in 2011 – that is, to under replacement level. Alarmed about this decrease in fertility, which is leading to an ageing population, the Supreme Leader encouraged families to have more children. He also called for mechanisms which would encourage procreation in the country. In a reaction to the Leader's speech, the Ministry of Health announced that contraceptives, which used to be given out free of charge, would no longer be procured.

34. The Secretary-General provided a detailed account of the impact of sanctions on the general population in his report to the sixty-eighth session of the General Assembly. Developments regarding the recent lifting of some economic sanctions imposed on the Islamic Republic of Iran are being followed closely, with the hope that these steps will ease the impact of sanctions that chiefly affect the general population, particularly the distribution of medical and pharmaceutical supplies. The Secretary-General will assess recent developments further and will report on this in detail in his report to the sixty-ninth session of the Assembly.

# III. Cooperation with international human rights mechanisms and the Office of the United Nations High Commissioner for Human Rights

## A. Cooperation with the United Nations human rights treaty system

35. As a State party to five core international human rights treaties[49] and a signatory to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, the Islamic Republic of Iran has improved its cooperation with treaty bodies in recent years. It was examined by the Committee on the Elimination of All Forms of Racial Discrimination (August 2010), the Human Rights Committee (October 2011) and the Committee on Economic, Social and Cultural Rights (May 2013).[50] During the latest review, the latter Committee raised some of the same issues it had in the Islamic Republic of Iran's first review, which had taken place 18 years before, noting that this had prevented it from maintaining a regular dialogue with the country.

36. The Secretary-General notes with regret the Islamic Republic of Iran's lack of cooperation with the Human Rights Committee, which has repeatedly sought further

[47] Statistical Centre of Iran, *2011 Population and Housing Census*.

[48] Ibid., *Statistical Yearbook of Iran* (2009); and Summary Report of the Labour Force Survey (2009).

[49] International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights, Convention on the Rights of the Child, International Convention on the Elimination of All Forms of Racial Discrimination and Convention on the Rights of Persons with Disabilities.

[50] While considering the second periodic report of the Islamic Republic of Iran, the Committee noted with regret the delay in submission of the report, following its previous consideration in 1993 and requested the Islamic Republic of Iran to submit its third periodic report by 31 May 2018. The Committee also regretted that the State party did not provide adequate responses to some of the questions posed by the Committee.

information on the implementation of its recommendations identified in paragraphs 9, 12, 13 and 22 of its concluding observations.[51] The Secretary-General encourages the Government to promptly provide the information requested by the Committee and to engage in constructive dialogue with the treaty bodies as a critical mechanism to review and improve human rights in the country.

## B. Cooperation with special procedures of the Human Rights Council

37. At a press conference on 2 December 2013, the United Nations High Commissioner for Human Rights reiterated the importance of the Islamic Republic of Iran inviting the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran for a country visit. The Secretary-General has echoed this call on several occasions. Since his appointment in 2011, the Special Rapporteur has made several official requests to the Iranian authorities for a country visit but has not received an affirmative response to date. In a letter to President Rouhani, in July 2013, the Special Rapporteur expressed hopes for a positive engagement on the part of the Government, including by allowing him to visit the country. The Special Rapporteur met with the Permanent Missions of the Islamic Republic of Iran to the United Nations in Geneva and in New York to discuss future prospects for engagement.

38. The Secretary-General regrets that since 2005, no thematic mandate holders have been invited to visit the Islamic Republic of Iran, despite a standing invitation issued to all thematic mandate holders in 2002, and a pledge to invite two such experts in 2012. He expresses the hope that the Government will consider scheduling visits to which it has agreed in principle, for the Working Group on Enforced or Involuntary Disappearances, the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on freedom of religion or belief. Despite having agreed to a visit by the Working Group in 2004, which was delayed at the request of the Government, the Government has ignored five annual reminder letters requesting the rescheduling of the visit: in 2009, 2010, 2011, 2012 and 2013. As of early 2014, the Government had yet to set a date for the visit.

39. The Secretary-General is concerned about the low rate of replies to the large number of communications sent to the Government by numerous mandate holders. Out of 25 communications sent in 2013, the authorities had responded to four. The majority of the communications addressed concerns about torture, executions, arbitrary arrest and detention of journalists and human rights activists, harassment of family members of activists, prosecution of religious minorities, unfair trials and ill-treatment of prisoners, and denial of medical treatment.

## C. Cooperation with the Office of the United Nations High Commissioner for Human Rights

40. The United Nations High Commissioner for Human Rights continued to raise human rights concerns with Iranian officials, including in meetings with the Minister for

[51] In its concluding observations, the Human Rights Committee requested the Islamic Republic of Iran to provide within one year further information on the specific areas of concern including inequality of women with regard to marriage, family and inheritance; the death penalty including executions of minors; and the independence of judges. Since then, the Committee has sent reminders to the Government in May and December 2013, but has not received any positive response. See http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/IRN/INT_CCPR_FUL_IRN_15884_E.pdf.

Foreign Affairs. She also intervened with the authorities on a number of individual human rights cases, through private meetings, letters and public statements. These mainly related to the rights of women, the death penalty, and the rights to freedom of opinion and expression, and peaceful assembly.

### D. Universal periodic review

41. The Government of the Islamic Republic of Iran undertook its first universal periodic review on 15 February 2010. Out of 189 recommendations, it accepted 123 of them. While little information is available regarding progress on implementing these recommendations, the Secretary-General notes as positive information that the Government has embarked on drafting its national report on implementation of the first universal periodic review recommendations. As the Islamic Republic of Iran is scheduled to appear before the Human Rights Council in October-November 2014, for its second cycle of the review, the Secretary-General calls on the Government to more actively involve civil society actors and other relevant organizations in preparation for the review, and to seek assistance from the United Nations in the implementation of the review's recommendations.

## IV. Conclusions and recommendations

42. **The Secretary-General welcomes the positive steps taken by the Government of the Islamic Republic of Iran, notably the release of high-profile political prisoners, and the reinstatement of some students and lecturers in universities. The Secretary-General encourages the Government to build on these positive developments by creating space for human rights defenders, lawyers and journalists, and to release political prisoners, including human rights defenders and lawyers Abdolfattah Soltani, Mohammad Ali Dadkhah and Mohammad Seifzadeh, detained solely for exercising their rights to freedoms of expression, association and peaceful assembly.**

43. **The Secretary-General remains deeply troubled by reports of increasing numbers of executions, including of political prisoners, and continuing amputations and floggings. The Secretary-General reiterates his call for the Government to institute a moratorium on the use of the death penalty, and to prohibit executions in public.**

44. **The Secretary-General urges the Government to address the concerns highlighted in this report, and the specific calls for action requested in previous resolutions of the General Assembly, as well as recommendations of various human rights mechanisms, including the universal periodic review process**

45. **Noting the positive achievements that the Islamic Republic of Iran has made against several economic and social indicators, the Secretary-General encourages the Government to continue addressing regional disparities in the enjoyment of economic, social and cultural rights, as well as discrimination against women and members of certain minorities. The Secretary-General also calls on the Government to work in close cooperation with civil society organizations in the follow-up and implementation of the May 2013 recommendations of the Committee on Economic, Social and Cultural Rights. He strongly encourages the Government to reach out to the Office of the United Nations High Commissioner for Human Rights for the necessary technical assistance and cooperation in this regard.**

46. **To improve human rights protection and promotion in the Islamic Republic of Iran and with a view to strengthening a national human rights culture, the Secretary-General urges the Government of the Islamic Republic of Iran to establish an**

**independent national human rights institution, as also recommended by the Committee on Economic, Social and Cultural Rights.**

47. **The Secretary-General regrets that, despite repeated requests for a country visit, the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran has not yet been admitted to the country. The Secretary-General renews his call on the Government to fully cooperate in the fulfilment of the Special Rapporteur's mandate by inviting him to the country in the near future, as well as other thematic mandates in line with the Islamic Republic of Iran's standing invitation.**

48. **The Secretary-General welcomes the engagement of the Islamic Republic of Iran with United Nations human rights treaty bodies, and urges the country to follow up on the concluding observations of all treaty bodies, and to ratify the Convention on the Elimination of All Forms of Discrimination against Women and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.**